UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,377	11/26/2003	Yasushi Ishizuka	008312-0307054	6005

909 7590 04/06/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102		EXAMINER
		SIKRI, ANISH

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<table>
<tr><td rowspan="3">Office Action Summary</td><td>Application No.
10/721,377</td><td>Applicant(s)
ISHIZUKA, YASUSHI</td></tr>
<tr><td>Examiner
Anish Sikri</td><td>Art Unit
2109</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 November 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *11/26/03 3/1/05 9/7/05*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 11/26/2003, 3/01/2005,

9/07/2005, has been considered by the Examiner and made of record in the application

file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under

section 122(b), by another filed in the United States before the invention by the

applicant for patent or (2) a patent granted on an application for patent by

another filed in the United States before the invention by the applicant for patent,

except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application

filed in the United States only if the international application designated the

United States and was published under Article 21(2) of such treaty in the English

language.

Claims **1-13** are rejected under 35 U.S.C. 102(e) as being anticipated over Tari

et al (US Pat 6,542,491).

Consider **Claim 1**, Tari et al clearly discloses server apparatus connectable to

client apparatuses via a radio transmission medium (Fig 1, Col 3 Lines 35-45, Fig 26,

Col 18 Lines 62-66, Col 19 Lines 1-4), comprising: a storage unit storing list data

indicating a priority order of the client apparatuses in allocating an exclusive period

thereto (Col 6 Lines 31-45, Col 19 Lines 7-12, Fig 26, Col 18 Lines 62-66, Col 19 Lines

1-4) the exclusive period being a period in which exclusive use of the radio transmission

medium is permitted (Col 16 Lines 43-56, Col 16 Lines 66-67, Col 17 Lines 1-10); a

control unit configured to allocate the exclusive period to the client apparatuses in

accordance with the priority order indicated by the list data (Col 18 Lines 32-39) ; and a

processing unit configured to rearrange the priority order of the client apparatuses on

the list data using situation data indicating a situation of one of the client apparatuses,

when the situation data is transmitted from the one (Col 19 Lines 39-43). Priority

access is conducted when wireless devices connect/communicate with the wireless

server. It is clearly shows that the wireless communications are carried out comprising

via radio transmission medium (Fig 26, Col 18 Lines 62-66, Col 19 Lines 1-4) and the

number of labels (districts) relates to for using of the frequencies which are assigned to

channel numbers in the device (Fig 26, Col 18 Lines 62-66, Col 19 Lines 1-4).

     Consider **Claim 2,** Tari et al clearly discloses server apparatus according to claim

1, wherein the situation data includes data indicating a transfer rate required by the

client apparatus (Col 10 Lines 8-14, 24-37). Different transfers rates are used based on

communication between the wireless server and wireless clients.

     Consider **Claim 3,** Tari et al clearly discloses a server apparatus according to

claim 1, wherein the processing unit rearranges the priority order based on at least a

combination of type data indicating a type of the client apparatus and the situation data

(Col 16 Lines 43-56, Col 18 Lines 33-39, Col 19 Lines 39-43). The priority table is

rearranged as the priority table shows which are the most frequently used channels for communication between the wireless server and wireless clients.

Consider **Claim 4**, Tari et al clearly discloses a server apparatus according to claim 1, wherein the processing unit refers to a change of the situation data with time to rearrange the priority order (Col 10 Lines 8-14, Col 16 Lines 43-56, Col 18 Lines 33-39, Col 19 Lines 39-43). The priority table is rearranged as the priority table shows which are the most frequently used channels for communication between the wireless server and wireless clients.

Consider **Claim 5**, Tari et al clearly discloses a server apparatus according to claim 1, wherein the processing unit rearranges the priority order, when a certain client apparatus is registered or removed with respect to the list data (Col 6 Lines 31-45, Col 16 Lines 43-56, Col 18 Lines 33-39, Col 19 Lines 39-43). Wireless clients are registered and authenticated by the wireless server to determine its registration for wireless communication.

Consider **Claim 6**, Tari et al clearly discloses a client apparatus connectable to a server apparatus via a radio transmission medium (Fig 1, Col 3 Lines 35-45), comprising: a permission request unit configured to request the server apparatus for permission of exclusive use of the radio transmission medium by the client apparatus (Col 6 Lines 31-45, Col 19 Lines 7-12, Fig 26, Col 18 Lines 62-66, Col 19 Lines 1-4);

and a situation notification unit configured to transmit situation data indicating a situation

of one of the client apparatuses to the server apparatus, after the server apparatus

admits the permission (Col 6 Lines 31-45, Col 19 Lines 7-12, Col 16 Lines 43-56, Col 18

Lines 33-39, Col 19 Lines 39-43). Wireless clients are registered and authenticated by

the wireless server to determine its registration for wireless communication. And priority

is determined on what type of communication is the wireless device communicating with

the wireless server (Col 10 Lines 8-14). It is clearly shown that the wireless

communications are carried out comprising via radio transmission medium (Fig 26, Col

18 Lines 62-66, Col 19 Lines 1-4) and the number of labels (districts) relates to for using

of the frequencies which are assigned to channel numbers in the device (Fig 26, Col 18

Lines 62-66, Col 19 Lines 1-4).

Consider **Claim 7**, Tari et al clearly discloses a client apparatus according to

claim 6, wherein the situation data includes data indicating a transfer rate required by

the client apparatus (Col 10 Lines 8-14, Col 16 Lines 43-56, Col 18 Lines 33-39, Col 19

Lines 39-43). The wireless devices are based on ownership and priority access and its

transfer rates are determined by it (Col 10 Lines 8-14).

Consider **Claim 8**, Tari et al clearly discloses a client apparatus according to

claim 6, wherein the situation notification unit transmits the situation data, when there is

a change in the situation of one of the client apparatuses (Col 20 Lines 34-44, Lines 49-

58). Change in communication is carried out by a change of switching frequencies

between the client and the server.

Consider **Claim 9**, Tari et al clearly discloses a communication control method

for use in a server apparatus connectable to client apparatuses via a radio transmission

medium (Fig 1, Col 3 Lines 35-45), comprising: storing in the server apparatus list data

indicating a priority order of the client apparatuses in allocating an exclusive period

thereto (Col 6 Lines 31-45, Col 19 Lines 7-12, Fig 26, Col 18 Lines 62-66, Col 19 Lines

1-4), the exclusive period being a period in which exclusive use of the radio

transmission medium is permitted (Col 16 Lines 43-56, Col 16 Lines 66-67, Col 17 Lines

1-10); executing a control to allocate the exclusive period to the client apparatuses in

accordance with the priority order indicated by the list data (Col 18 Lines 32-39); and

rearranging the priority order of the client apparatuses on the list data using situation

data indicating a situation of one of the client apparatuses, when the situation data is

transmitted from the one (Col 19 Lines 39-43). The communication control method

discloses that the priority access is conducted when wireless devices

connect/communicate with the wireless server. It is clearly shown that the wireless

communications are carried out comprising via radio transmission medium (Fig 26, Col

18 Lines 62-66, Col 19 Lines 1-4) and the number of labels (districts) relates to for using

of the frequencies which are assigned to channel numbers in the device (Fig 26, Col 18

Lines 62-66, Col 19 Lines 1-4).

Consider **Claim 10**, Tari et al clearly discloses a communication control method according to claim 9, wherein the situation data includes data indicating a transfer rate required by the client apparatus (Col 10 Lines 8-14, 24-37). Different transfers rates are used based on communication between the wireless server and wireless clients.

Consider **Claim 11**, Tari et al clearly discloses a communication control method according to claim 9, wherein the rearrangement of the priority order is carried out based on at least a combination of type data indicating a type of the client apparatus and the situation data (Col 16 Lines 43-56, Col 18 Lines 33-39, Col 19 Lines 39-43). The priority table is rearranged as the priority table shows which are the most frequently used channels for communication between the wireless server and wireless clients.

Consider **Claim 12**, Tari et al clearly discloses a communication control method according to claim 9, wherein the rearrangement of the priority order is carried out in accordance with a change of the situation data with time (Col 10 Lines 8-14, Col 16 Lines 43-56, Col 18 Lines 33-39, Col 19 Lines 39-43). The priority table is rearranged as the priority table shows which are the most frequently used channels for communication between the wireless server and wireless clients.

Consider **Claim 13**, Tari et al clearly discloses a communication control method according to claim 9, wherein the rearrangement of the priority order is carried out, when a certain client apparatus is registered or removed with respect to the list data

(Col 6 Lines 31-45, Col 16 Lines 43-56, Col 18 Lines 33-39, Col 19 Lines 39-43).

Wireless clients are registered and authenticated by the wireless server to determine its

registration for wireless communication.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed**

to:

>Commissioner for Patents
>P.O. Box 1450
>Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

>Customer Service Window
>Randolph Building
>401 Dulany Street
>Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Anish Sikri whose telephone number is (571) 270-1783.

The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Rafael Pérez-Gutiérrez can be reached on (571) 272-7915. The fax phone

number for the organization where this application or proceeding is assigned is (571)

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you
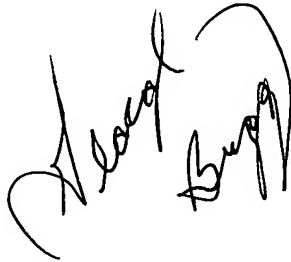
have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Anish Sikri
A.S./as

March 22, 2007